# PRESENT CONDITIONS IN THE ANTHRACITE COAL INDUSTRY.

BY DAVID WILLCOX.

THE recent speaking campaign of Mr. John Mitchell, the president of the United Mine Workers of America, in the anthracite coal regions, has aroused much interest in the present situation of the anthracite industry, and in the question whether there is anything which can possibly warrant a recurrence next year of disturbances and losses such as those caused by the strikes of 1900 and 1902. An examination of present conditions shows that there is no cause for anything of the sort, especially because the existing conditions are all the result of arbitration.

In the letter written by President Roosevelt upon October 23rd, 1902, appointing the Anthracite Coal Strike Commission, it was enjoined upon the Commission to make the "endeavor to establish the relations between the employers and the wage-workers in the anthracite fields on a just and permanent basis, and, as far as possible, to do away with any causes for the recurrence of such difficulties as those which you have been called in to settle." In making its award, the Commission expressed the view that "the awards we have made . . . will accomplish, certainly during their life, the high aims contemplated in your letter." The belief of the Commission has been justified by the result.

Every substantial matter affecting the employers and the employees engaged in anthracite mining has been already covered by the decisions of the Anthracite Coal Strike Commission and of the Board of Conciliation established under the Commission's award. The existing conditions have all been settled and established by arbitration, and the machinery has been provided for similarly settling any new questions which may arise from time to time. The facts as to the matters involved are as follows:

1. *As to hours of work.* The employees already average less than eight hours' work per day. This was established by the award of the Strike Commission. It said that "for the contract miners the hours worked certainly do not exceed, on the average, eight hours." For the remaining employees, known as "company men," the Commission found that, taking the region as a whole in the year 1901, the number of hours worked per annum averaged 1960, distributed through 258 days; so that the average day's work was 7.6 hours.* So, too, in one of the large companies where the time was kept, during April and May last passed, the average number of hours worked per day for the miners was 6.85 and for the company men 7.34.

The present suggestion of an eight-hour day for the "company men" does not, therefore, mean any diminution in hours of labor. The suggestion is no part of a general movement for an eight-hour day; but it is merely an effort for an advance in wages over and above the standards fixed by the Strike Commission.

2. *As to wages.* As the result of a general strike in 1900, wages in the anthracite industry were advanced about twelve per cent. The strike of 1902 had, as one of its expressed objects, the securing of a further general advance of twenty per cent. The award of the Strike Commission gave to the miners a general increase of ten per cent. on the previous rates of compensation, as the same had been already increased by the strike of 1900. The other employees, amounting to about fifty-five per cent. of the whole number, had been paid wages by the day, computed upon the basis that ten hours constituted a day; so that for each hour worked they received one-tenth of the daily rate. The Commission awarded that they should thereafter be paid upon the basis of nine hours constituting a day, so that for each hour worked they should receive one-ninth of the daily rate instead of one-tenth as theretofore, and overtime should be paid for at this proportional rate per hour. This was done not to decrease the hours

* The Commission stated, by way of illustration, that the average number of hours worked per day in the case of the Reading Company was 8.6; in that of the Delaware, Lackawanna and Western Company, 7.8; in that of the Lehigh and Wilkesbarre Company, 7.7; in that of the Delaware and Hudson Company, 7; in that of the Temple Iron Company, 7.2; and that "a study of the tables shows comparatively few instances in which the breakers" (the machinery for preparing coal in the various sizes) "made full 10 hours, while from 6 to 9 hour days were the most numerous."

of labor, which, as just seen, already averaged less than eight per day, but to increase the compensation of this class of employees. The Commission explained its action as follows:

"This would give the employees whom we are now considering practically a wage increase of 11 1-9 per cent., for the reason that, working the number of hours they now work, which is generally less than nine each day, they would be paid for hours in which they actually work, at the hourly rate for a nine-hour day. For example, in case of the Delaware and Hudson Company the average hours of breaker time per start is 7 and the company men . . . who now receive say $1.50 a day for 10 hours' work, would under the conditions of a nine-hour day receive one-ninth, instead of one-tenth, of $1.50 as their rate per hour for seven hours' work, or 16 2-3 cents instead of 15 cents per hour."

The Commission further arranged a sliding scale so that both the miners and the "company men" should participate in any increase in the price of coal. As to this it said:

"No sliding scale can be of permanent value unless there be established a minimum basis of earnings and a minimum price of the article on which the scale is constructed. The statistics of the price of coal, f. o. b., New York Harbor, have enabled the Commission to arrive at what seems to be a just basis, so far as price is concerned, while the minimum basis of earnings must necessarily be that established in the award."

Acting in accordance with the views thus stated, the Commission fixed the minimum price to which the above advances in wages applied at $4.50 per ton for the "prepared" or domestic sizes at tidewater, and provided that, as the price advanced, the rates of compensation should increase one per cent. for each increase of five cents per ton in the price.

To resume, therefore: as the result of the strike of 1902, the Strike Commission assumed $4.50 per ton as the standard of price, and upon that basis awarded to the miners an increase in compensation of 10 per cent. and to the company men an increase in wages of 11 1-9 per cent. Its award provided also that, as the price rose, the compensation of both classes should rise at the rate of one per cent. for each advance of five cents in the price. These awards have been regularly carried out. Comparing 1901, before the strike, with 1904, after it, the absolute increases in rates of compensation added to the cost of producing coal about 24.81 cents per ton, and the increases under the sliding scale about 5.96 cents per ton additional. The total sum which these increases added, in the year 1904, to the cost of the coal

produced was about $13,200,000 by the absolute increases and about $3,200,000 additional by the sliding scale; or a total increase in cost of about $16,400,000. This increased cost was necessarily borne for the most part by the "prepared" or domestic sizes,—amounting in 1904, to 61.99 per cent. of the whole, or a total of 35,636,661 tons, as against 21,858,861 tons of the small sizes—because the small sizes compete with bituminous coal and their price must be on substantially the same level. With the advance in the prices of material and labor generally, these advances, therefore, led to an increase in prices of the "prepared" or domestic sizes amounting to about fifty cents per ton.

In regard to the rates of wages prevailing before these advances were made, the Commission said:

"As to the general contention that the rates of compensation for contract miners in the anthracite region are lower than those paid in the bituminous fields for work substantially similar, or lower than are paid in other occupations requiring equal skill and training, the Commission finds that there has been a failure to produce testimony to sustain either of these propositions."

Nevertheless, as has been said, the Commission awarded these large advances as the result of the strike of 1902. Since then no changes whatever have occurred in the basis upon which the Commission fixed the increased rates of compensation. The existing rates of compensation were settled as the proper rates when coal sells at $4.50 per ton, and the sliding scale was arranged so that, as the price advanced, the compensation should increase.

If now the wages of the company men should be fixed at the present figures for eight hours instead of nine hours, the result would not be to shorten hours of labor, because, as already said, the employees do not now average eight hours' work per day, but to increase the wages per hour 12.5 per cent. The total paid to this class of labor during the past April was approximately 60.64 cents per ton. This would, therefore, be an increase of about 7.6 cents per ton—on the total production of coal it would be about $4,350,000. The only class benefited would be the "company men." As regards the miners and their laborers, amounting to about 45 per cent. of the employees, the change would naturally lead to their working the full eight-hour day, instead of very much less as at present, and thus diminishing the cost of production. This they could not consistently or successfully oppose if a uniform eight-hour day were established.

As the present rates of wages were fixed by the Strike Commission with full reference to the prices of coal and advance as those prices advance, and as no change has occurred since then, the action proposed would be merely overruling the award of the Commission. It would further increase the expense of mining and probably lead to some advance in price of the domestic sizes.

3. *As to the unit upon which is based the compensation of the miners.* In much the greater number of collieries in the Wyoming and Lehigh regions, from the beginning of the industry, payment has been made to the miners upon the basis of the number of cars of loaded coal sent up from the mines. From this it has followed that the shafts and breakers have been so constructed that any change in the unit of compensation would be very expensive and would cause much interruption of production. In the remaining collieries, payment is based upon weight of coal sent up. At the different collieries, the rates of payment for each of these units vary considerably, because differences in the veins cause a varying amount of labor to produce the unit of coal. In fact, each colliery has a system of compensation peculiar to itself, and there is no general uniformity.

In 1902, one of the demands made by the miners was that these methods should be changed and the coal should be paid for on a uniform basis of a ton of 2,240 pounds. The Commission decided against the demand and refused to disturb existing conditions. It said:

"The Commission is not now prepared to say that the change to payment by weight based on a 2,240-pound ton, when the price would necessarily be adjusted to the number of pounds—practically the case now—would prove of sufficient benefit to the miners to compensate for the expense and trouble thereby imposed upon the operators now paying by the car. Many of the operators in order to accommodate themselves to the change would have to reconstruct the breakers or place the scales at the foot of the shaft, and, when there is more than one level in each mine, at the foot of each level."

The Commission called attention also to the fact that the change demanded would add enormously to the cost of producing coal, especially by greatly increasing wages—resulting "in many instances in an increase of 300 per cent. over present cost."

While it decided against this demand, the Commission fully protected the miners by providing that, wherever they saw fit to pay the expense involved, they should have the right to appoint

check weighmen and check-docking bosses. "The check weighmen and check-docking bosses," the Commission said, "are inspectors employed by the miners themselves, to watch the weighing and docking of coal in their interests." The miners have appointed such inspectors only at a few of the collieries; as a rule, they have not thought it worth while to incur this expense.

4. *As to right of all to work, whether members of the union or not.* The Commission decided that the mines should be open to all seeking employment, regardless of membership in any labor organization and of the action of any such body. It said:

"The right to remain at work where others have ceased to work, or to engage anew in work which others have abandoned, is part of the personal liberty of a citizen, that can never be surrendered, and every infringement thereof merits and should receive the stern denouncement of the law. All government implies restraint, and it is not less, but more, necessary in self-governed communities, than in others, to compel restraint of the passions of men which make for disorder and lawlessness. Our language is the language of a free people, and fails to furnish any form of speech by which the right of a citizen to work when he pleases, for whom he pleases, and on what terms he pleases, can be successfully denied. The common sense of our people, as well as the common law, forbids that this right should be assailed with impunity. It is vain to say that the man who remains at work while others cease to work, or takes the place of one who has abandoned his work, helps to defeat the aspirations of men who seek to obtain better recompense for their labor and better conditions of life. Approval of the object of a strike, or persuasion that its purpose is high and noble, cannot sanction an attempt to destroy the right of others to a different opinion in this respect, or to interfere with their conduct in choosing to work upon what terms and at what time and for whom it may please them so to do.

"The right thus to work cannot be made to depend upon the approval or disapproval of the personal character and conduct of those who claim to exercise this right. If this were otherwise, then those who remain at work might, if they were in the majority, have both the right and power to prevent others, who choose to cease to work, from so doing.

"This all seems too plain for argument. Common sense and common law alike denounce the conduct of those who interfere with this fundamental right of the citizen. The assertion of the right seems trite and commonplace, but that land is blessed where the maxims of liberty are commonplaces.

"It also becomes our duty to condemn another less violent, but not less reprehensible, form of attack upon those rights and liberties of the citizen which the public opinion of civilized countries recognizes and protects. The right and liberty to pursue a lawful calling and to lead a peaceable life, free from molestation or attack, concerns the comfort and happiness of all men, and the denial of them means the destruction

of one of the greatest, if not the greatest, of the benefits which the social organization confers. What is popularly known as the 'boycott' (a word of evil omen and unhappy origin) is a form of coercion by which a combination of many persons seek to work their will upon a single person, or upon a few persons, by compelling others to abstain from social or beneficial business intercourse with such person or persons. Carried to the extent sometimes practised in aid of a strike, and as was in some instances practised in connection with the late anthracite strike, it is a cruel weapon of aggression, and its use immoral and antisocial.

"To say this is not to deny the legal right of any man or set of men voluntarily to refrain from social intercourse or business relations with any persons whom he or they, with or without good reason, dislike. This may sometimes be un-Christian, but it is not illegal. But when it is a concerted purpose of a number of persons not only to abstain themselves from such intercourse, but to render the life of their victim miserable by persuading and intimidating others so to refrain, such purpose is a malicious one, and the concerted attempt to accomplish it is a conspiracy at common law, and merits and should receive the punishment due to such a crime. . . .

"In social disturbances of the kind with which we are dealing the temptation to resort to this weapon oftentimes becomes strong, but is none the less to be resisted. It is an attempt of many by concerted action to work their will upon another who has exercised his legal right to differ with them in opinion and in conduct. It is tyranny, pure and simple, and as such is hateful, no matter whether attempted to be exercised by few or by many, by operators or by workmen, and no society that tolerates or condones it can justly call itself free."

The Commission made the following award upon the subject:

"No person shall be refused employment, or in any way discriminated against, on account of membership or non-membership in any labor organization; and there shall be no discrimination against, or interference with, any employee who is not a member of any labor organization by members of such organization."

Since the Commission's decision, the Supreme Court of the United States, the Supreme Court of Pennsylvania, the Court of Appeals of New York, the Supreme Court of Massachusetts and the Supreme Court of Illinois, have all pronounced judgments, stating the law in terms substantially similar to those used by the Commission. In sustaining the antiboycott law of Wisconsin, the Supreme Court of the United States significantly said:

"The most innocent and constitutionally protected of acts or omissions may be a step in a criminal plot, and if it is a step in a plot, neither its innocence nor the constitution is sufficient to prevent the punishment of the plot by law."

It is interesting to compare with these authoritative statements of the rules controlling the subject, the views of Mr. John

Mitchell, as expressed in his recent work on Organized Labor, the significant features of which are here italicized:

"With the rapid extension of trade-unions, the tendency is toward the growth of *compulsory* membership in them, and the time will doubtless come when this *compulsion* will be as general and will be considered as little of a grievance as the compulsory attendance of children at school. *The inalienable right of a man to work will then be put upon a par with the inalienable right of a child to play truant*, and the *compulsion* exercised by the trade-union will be likened to that of a state which in the interest of society forces an education upon the child, even though the child and its parents are utterly and irreconcilably opposed to it" (p. 283). "It is unwise, moreover, to demand the unionizing of a shop or an industry where there is not sufficient strength to *compel* it. For every such demand and prior to such demand, there should be months of patient propaganda, and in this, as in every other line of trade policy, *compulsion* should not be used until persuasion has completely and signally failed" (p. 284). "In conclusion, I believe that trade-unions have a perfect legal and moral right to *exclude* non-unionists, but that this right should be exercised with the utmost care and only after persuasion has been tried and has failed. I also believe that with the growth of trade-unionism in the United States the *exclusion* of non-unionists will become more *complete*, although animosity toward the non-unionist will diminish with the lessening of his power *to do evil*" (p. 285).

"The legal right of workingmen to boycott should not be called into question; workingmen in boycotting one of their fellow craftsmen are simply doing together what they have a perfect right to do separately. A man has a legal right to deal at a certain establishment, to give or withhold patronage, to buy when he sees fit, and *what one man may do, a hundred or a thousand should have the right to do*" (pp. 287, 288). "If the time should come when there are *millions of workingmen acting together in common upon a boycott approved by all*, the power of the organized workers of the country will be *infinitely increased*" (p. 298).

These expressions indicate that their author has failed to accept the rules laid down by the Anthracite Strike Commission, although his organization was a party to its judgment, and also by the courts of last resort of the country generally. While differences of individual opinion may always exist, still the rules of action in civilized communities are authoritatively settled by their judicial tribunals.

5. *As to the adjustment of present or future grievances.* For the purpose of disposing of questions arising under the award and of any future grievances, the Anthracite Strike Commission constituted a Conciliation Board, three members of which were to be appointed by the employees and three members by the opera-

tors, with a provision that in case of necessity an umpire should be appointed by one of the Justices of the United States Circuit Court for the Third Circuit. This Board was accordingly duly organized with the three district presidents of the United Mine Workers representing the employees and three members representing the operators. "At all hearings before said Board," the Commission directed, "the parties may be represented by such person or persons as they may respectively select," and this practice has been pursued. The Board has passed upon all grievances which have come before it, save a small number of recent cases which are in process of adjudication.

The total work of the Board was as follows up to January 12th, 1905: total grievances presented, 125; cases withdrawn, 42; cases settled by parties, 9; cases sustained, 18; cases partially sustained or compromised, 6; cases not sustained, 28. The services of an umpire have been required only 14 times, and there have been practically no strikes. The Board has had great success, and the present conditions indicate its usefulness.

The action of the Board of Conciliation has had the following results among others:

(*a*) Every grievance has been disposed of in due course, and there are now no grievances in existence of sufficient merit to warrant their submission to arbitration, save a small number of recent cases which are in process of adjudication.

(*b*) The Board has decided that the employers have the unconditional right to hire and to discharge their employees irrespective of the motives leading to such action. This the Board has said is correlative to the right of the employees to terminate the employment whenever they see fit.

(*c*) The Board has decided that the employers are under no obligation to collect from the employees funds for any purpose which they may designate, save for the payment of check weighmen and check-docking bosses.

6. *As to a contract with the union.* One of the demands presented to the Strike Commission was that a contract should be made by each of the employers with the United Mine Workers, covering "(1) the wages which shall be paid, and (2) the conditions of employment which shall obtain, together with (3) satisfactory methods for the adjustment of grievances which may from time to time arise." As has just been shown, the award of

the Strike Commission covered all these specifications, because it fixed (1) the wages, (2) the conditions of employment and (3) a method for adjustment of future grievances. It, therefore, provided amply for every purpose sought to be accomplished by a contract with the union.

The Commission, however, denied the demand that these matters should be not merely covered by its award, but also made the subject of a specific contract by each employer with the United Mine Workers. The Commission said:

"In order to be entitled to such recognition, the labor organization or union must give the same recognition to the rights of the employer and of others, which it demands for itself and for its members. The worker has the right to work or to strike in conjunction with his fellows, when by so doing he does not violate a contract made by or for him. He has neither right nor license to destroy or to damage the property of the employer; neither has he any right or license to intimidate or to use violence against the man who chooses to exercise his right to work, nor to interfere with those who do not feel that the union offers the best method for adjusting grievances.

"The union must not undertake to assume, or to interfere with, the management of the business of the employer. It should strive to make membership in it so valuable as to attract all who are eligible, but in its efforts to build itself up, it must not lose sight of the fact that those who may think differently have certain rights guaranteed them by our free government. However irritating it may be to see a man enjoy benefits to the securing of which he refuses to contribute, either morally or physically, or financially, the fact that he has a right to dispose of his personal services as he chooses cannot be ignored. The non-union man assumes the whole responsibility which results from his being such, but his right and privilege of being a non-union man are sanctioned in law and morals. The rights and privileges of non-union men are as sacred to them as the rights and privileges of unionists. The contention that the majority of the employees in an industry, by voluntarily associating themselves in a union, acquire authority over those who do not so associate themselves is untenable.

"Those who voluntarily associate themselves believe that in their efforts to improve conditions they are working as much in the interest of the unorganized as in their own, and out of this grows the contention that when a non-union man works during a strike, he violates the rights and privileges of those associated in efforts to better the general condition, and in aspirations to a higher standard of living. The non-union man, who does not believe that the union can accomplish these things, insists with equal sincerity that the union destroys his efforts to secure a better standard of living and interferes with his aspirations for improvement. The fallacy of such argument lies in the use of the analogy of state government under which the minority acquiesces in the rule of the

majority; but government is the result of organic law, within the scope of which no other government can assume authority to control the minority. In all acts of government the minority takes part, and when it is defeated the government becomes the agency of all, not simply of the majority.

"It should be remembered that the trade-union is a voluntary social organization, and, like any other organization, is subordinate to the laws of the land and cannot make rules or regulations in contravention thereof. Yet it at times seeks to set itself up as a separate and distinct governing agency, and to control those who have refused to join its ranks and to consent to its government, and to deny to them the personal liberties which are guaranteed to every citizen by the constitution and laws of the land. The analogy, therefore, is unsound and does not apply. Abraham Lincoln said 'No man is good enough to govern another man without that other's consent.' This is as true in trade-unions as elsewhere, and not until those which fail to recognize this truth abandon their attitude toward non-union men, and follow the suggestion made above—that is, to make their work and their membership so valuable and attractive that all who are eligible to membership will come under their rule—will they secure that firm and constant sympathy of the public which their general purposes seem to demand."

At the same time the Commission observed that "the present constitution of the United Mine Workers of America does not present the most inviting inducements to the operators to enter into contractual relations with it." In view of this the Commission suggested certain modifications of the Mine Workers' organization which seemed to it desirable, such as that adults alone should be allowed to vote; that it should require a two-thirds vote to order a strike, and the vote should be by ballot—not *viva voce* or by show of hands, as at present—and that the organization should be independent and not merely a part of a general organization covering as well the bituminous mines of the country—a competing industry.

It is believed that none of these modifications have been made or seriously considered. Mr. Mitchell, in his work on Organized Labor (p. 392), says:

"The findings of the Anthracite Strike Commission consist of a report and an award. The report is a more or less theoretical discussion of general principles, while the award consists of specific injunctions and specific recommendations bearing upon the anthracite struggle. I shall not discuss the report, which is in my opinion and in that of the great body of unionists, a document prepared by fair-minded and intelligent men, but showing upon the whole a lack of appreciation of some of the fundamental principles of unionism and *based upon premises which cannot be maintained.*"

As to the suggestion that the bituminous and anthracite workers should not be united in one organization Mr. Mitchell says (p. 268):

"The organization of mine-workers must include not only all the anthracite mines of the country, but also the bituminous mines. The anthracite operators bitterly complained against the United Mine Workers of America because it was an organization which controlled the production of bituminous coal, which, they alleged as a grievance, was a competing product. A greater ignorance of the fundamental principles of trade-unionism could not well be conceived. It is *because* anthracite coal competes with bituminous that the mining of both should be controlled by one organization."

To resume, therefore: the Anthracite Strike Commission secured by its award all the results specified as those to be attained by a contract with the union, but overruled the demand that, in addition to the award which, of course, had contractual force as to the parties, there should be also an independent document in the form of a contract between the union and the various operators. At the same time it suggested certain modifications in the form of the union which might possibly make such a contract practicable. These the union has not attempted to make and its president has very clearly refused to take the action suggested by the arbitrators appointed at his suggestion. What standing, then, can the union have to renew its claim for a contract in addition to the award?

The existing conditions have, therefore, all been the result of arbitration in which both parties were represented. They have secured to the employees a rate of wages which the Commission held to be proper when the "prepared" or domestic sizes of coal sell at $4.50 per ton with an advance as the price increases, and have also provided machinery by which all grievances have been adjusted and which will be equally available for that purpose in the future.

The employers have no desire to disturb these results, which have been so painfully and expensively reached by arbitration, and are perfectly willing to continue the present arrangements indefinitely. There is no association of the employers generally, such as is attempted in the case of the employees; indeed, either one would probably incur the charge of illegality under the anti-trust acts. The Supreme Court of Massachusetts has just held that an attempt to exclude non-members of a union from em-

ployment violates the prohibitions of monopoly, and other courts have made similar rulings. As already pointed out, everything suggested as the subject of a general contract between the employers and employees has been secured by the award. Therefore, no contract with the union is necessary for the protection of the employees; the Commission held that nothing of the sort would be admissible save on conditions which the union has failed to carry out, and any such arrangement would tend to defeat the award of the Commission and the decisions of the courts establishing the principle that employment must be open to all irrespective of membership of trade-unions or otherwise.

It is, indeed, grotesque to call such arrangements contracts, for, as Mr. Mitchell says in his work on Organized Labor (p. 227), "the union no more guarantees that any particular man will work than the employer guarantees that work will be provided for any particular man." Manifestly, there can be no contract where nobody is bound to anything. The illogical and illegal scheme of having all the labor employed in a great industry controlled by one organization and compelling all the employers to enter into contracts with that organization, rather than with their own employees, is rapidly passing away, and agreements of employment are fast reverting to their natural form of arrangements between the parties concerned.

It may be added that the anthracite coal industry has been under investigation by the Interstate Commerce Commission, unhampered by the rules of evidence (194 U. S., 25) for two years and a half, without result. Although no formal decision has yet been made by the Interstate Commerce Commission, it is not too much to say that the manifold charges which have been made with such resonance and iteration for so many years past against those engaged in the industry have collapsed under investigation.

The present state of the industry is, therefore, exceptional. All the existing conditions have been settled by arbitration to which the employees were parties, and the machinery has been successfully provided through the Conciliation Board for adjusting any future questions. The methods of transacting business have been fully investigated and have not been found objectionable in any respect. What possible ground can exist for disturbing this situation and subjecting the country to the hazard of another anthracite strike?

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